



Bioethics in Islam



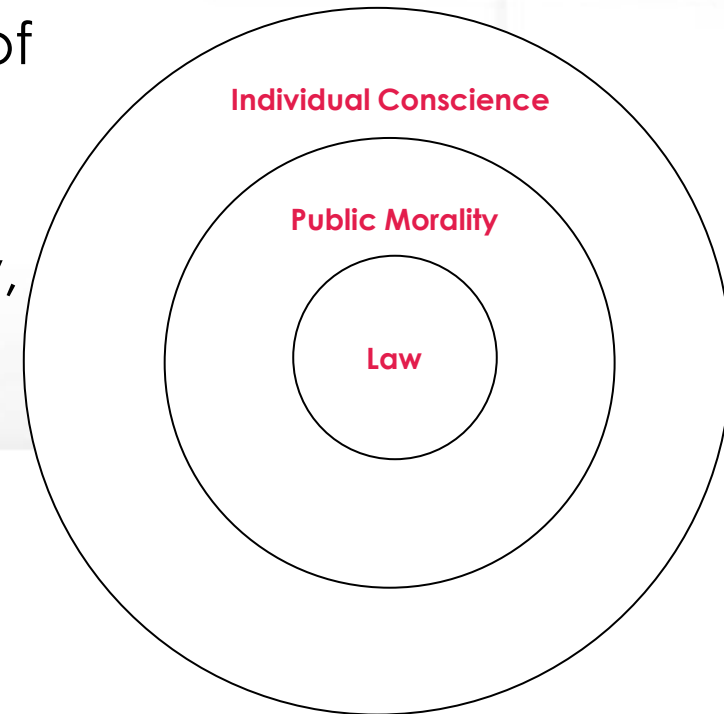
Islamic Law and Ethics

Content of *Shariah*

- *Shariah* contains both **legal rules and ethical principles**.
- *Shariah* is summed up under four broad categories.
 - Aqidah – creed
 - Ibadah – religious worship and practices
 - Ahklaq – morality and ethics
 - Muamalah – social relations
- Islam is an all encompassing religion with a comprehensive law that provides guidance in all key aspects of life.

Legal & Ethical Boundaries

- Islam is an all encompassing religion with a comprehensive law that provides guidance in all key aspects of life.
- Human actions, hence freedoms, are not absolute and are curtailed by law, public and individual conscience.
- Islam seeks a balance between these three concentric circles.
- **Every crime is a sin in Islam. But not every sin is a crime.** Certain acts are left to the conscience of the human being.



Four Sources of Shariah

1. The Qur'an

As the primary source of God's revelation, the Qur'an is the sourcebook of Islamic principles and values. There are about 350 legal verses (*ayat al-ahkam*) out of 6235 verses (Kamali).

2. *Sunnah* of the Prophet

Words, actions and approvals (and disapprovals) of the Prophet Muhammad as the messenger of God. An individual narrated report is called a **hadith**. Thousands of *hadith* report collectively make up the body of *Sunnah*.

Four Sources of *Shariah*

3. Analogical Reasoning (*Qiyas*)

Extending established legal precedence to new matters by identifying an operative cause (*illal*) applicable to both situations.

4. Consensus (*Ijma*)

Consensus of the community of scholars over a solution to a legal and practical issue. When a certain ruling lasts the test of time, more and more jurists as well as people accept the ruling achieving a consensus over that matter.

Human Life

Human Life

مِنْ أَجْلِ ذَلِكَ كَتَبْنَا عَلَىٰ بَنِي إِسْرَائِيلَ أَنَّهُ مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ
فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا ۚ وَلَقَدْ جَاءَتْهُمْ رُسُلُنَا
بِالْبَيِّنَاتِ ثُمَّ إِن كَثِيرًا مِّنْهُمْ بَعْدَ ذَلِكَ فِي الْأَرْضِ لَمُسْرِفُونَ (٣٢)

“... that if anyone killed a person not in retaliation of murder, or to spread mischief in the land- it would be as if he killed all mankind, and if anyone saved a life, it would be as he saved the life of all mankind...”

(Qur'an, Al-Maidah, 5:32) (Tr. Y. Ali)

- According to Islam, life is sacred and the entire universe results and supports human life.
- Although Islam treats the life of all creatures as valuable, it gives greater honour to human life.



Human Life

- *“Indeed, your blood and your property and your honour are inviolable, like the inviolability of this day of your and this month of your and this land of your until the day you meet your Lord.”*

(Bukhari and Muslim)



Human Life



Humanity and therefore human life is distinguished from the rest of the creation in three distinct ways;

- Humanity is created in the best composition.

“Verily, We create man in the best conformation.”

(Qur'an 95:4)

- Humanity has been given the capacity to learn through reflecting on the universe and thus gain knowledge of God.

(Qur'an, 2:31-33)

- Humanity's acceptance of God's trust. This trust is said to be the self-awareness and freedom of choice enabling humans to develop spiritually.

(Qur'an, 33:73)

Islamic Principles Related to Bioethics

Islamic Principles

- Muslim jurists take into account important methodical principles when addressing ethical problems.
- These principles have been developed by jurists throughout the history of the Muslim world.
- They are commonly based on verses of the Qur'an and/or Hadith.

Islamic Principles Related to Bioethics

- Islam made it an obligation upon the sick to seek treatment.
- Human life is sacred. The saving of one life is regarded to be the same as saving the life of all of humanity.
- For every ailment (except old age) there is a remedy.
- When confronted with two evils, the lesser evil is preferred.

Islamic Principles Related to Bioethics

- God does not burden a soul greater than what it can bear.
- Patience is recommended for adversity, thankfulness for blessings.
- Suffering compensates for one's sins or elevates one's spiritual degree.
- Necessity can remove a prohibition temporarily for as long as necessity is removed.
- Actions will be judged according to intentions.

Euthanasia, Contraception and Abortion

Euthanasia

وَاللَّهُ يُحْيِي وَيُمِيتُ ۖ وَاللَّهُ بِمَا تَعْمَلُونَ بَصِيرٌ²⁶

“It is Allah that gives Life and Death, and Allah sees well all that you do.”

(Qur'an, *Al-Imran*, 3:156) (Tr. Y.Ali)

- The issues concerning euthanasia, contraception and abortion are related to *the competing rights to life and reproduction*.



Euthanasia

- People who support euthanasia usually do so because of the pain suffered by the patient, thus using the phrase “mercy killing”.
 - Should the focus be pain management instead?
 - On the other hand, does this mean we postpone death by using every means of treatment available?
- A person does not have the right to end his or her life, since *God has entrusted life to him or her for a temporary period. Only God owns the life and therefore has the sole right to end life.*
- Euthanasia is considered to be suicide, which is a major sin in Islam.



Perception of Illnesses

Islam considers suffering and illness as an opportunity to compensate for one's past sins or to rise to higher ranks of spirituality in the Court of God. Although it might be a painful experience, there is the promise of great reward in the hereafter.



الَّذِينَ إِذَا أَصَابَتْهُمْ مُصِيبَةٌ قَالُوا إِنَّا لِلَّهِ وَإِنَّا إِلَيْهِ رَاجِعُونَ (١٥٦)

“Who say, when afflicted with calamity: "To Allah We belong, and to Him is our return.”
(Qur'an, Al-Baqara, 2:156) (Tr. Y.Ali)

هُوَ يُطْعِمُنِي وَيَسْقِينِ (٧٩) وَإِذَا مَرِضْتُ فَهُوَ يَشْفِينِ (٨٠)

“Who gives me food and drink. And when I am ill it is He Who cures me.”
(Qur'an, Ash-Shu'ara, 26:79-80) (Tr. Y.Ali)

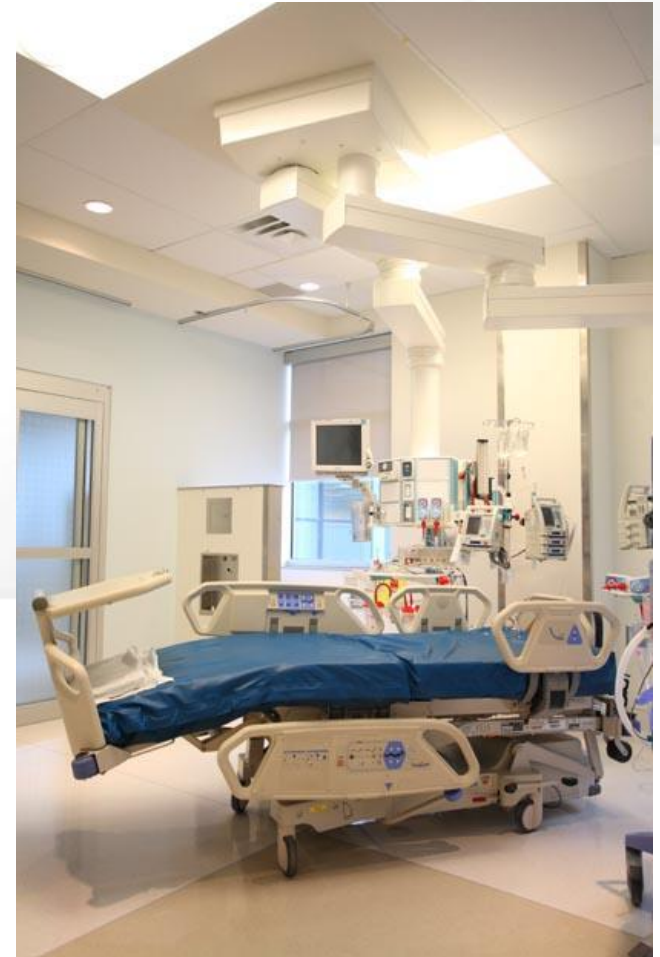
Hadith on Suffering

- “When Allah desires good for one of His servants, he visits him with a calamity in this world.” (Hadith)
- “As ripe fruits fall as a tree is shaken, so the sins of a believer fall away on his shaking with illness.” (Bukhari, Muslim)
- “Allah allows a believer to shed his sins through every disaster visited on him, even if it is being pricked by a thorn.” (Hadith)
- Those afflicted with the severest trials are the prophets, then the saints and those like them. (Ibn Maja, Musnad)



What Happens if a Person is Brain Dead?

If the person is on life support in a vegetative state or brain dead, then the majority of scholars are of the opinion that life support can be removed because the person is not aware and life as a place of trial has ended for him or her. The decision rests with qualified doctors and family members.



Contraception

- Most scholars are of the view that all forms of contraception that do not damage the health and the reproductive capacity of the person, male or female, are permissible in Islam.
- Once conception occurs, then the principle of the “right to life” steps in. This is because of the fact that there is now a physical form with all of its characteristics determined (through DNA) by God and has the potential to be fully human.



Abortion

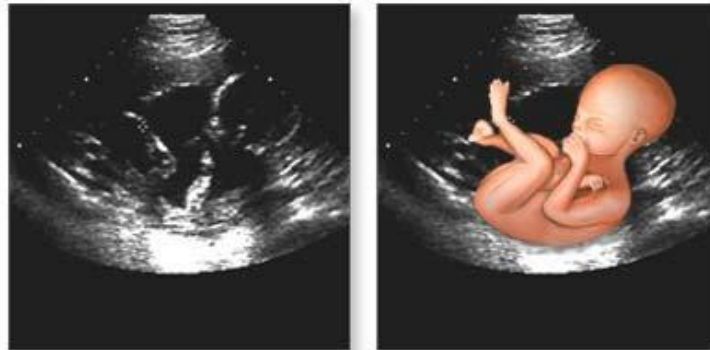
- There is a difference of opinion among Muslim scholars concerning abortion during the embryonic stage of the conception, that is, when the embryo is less than four months old and not a fully functional human being.
- *“Each of you is constituted in your mother’s womb for forty days as a nutfa, then it becomes an alaqa, for an equal period, then a mudgha for another equal period, then the angel is sent, and he breathes the soul into it.”*

(Hadith)

Abortion

- However, *the great majority of scholars* are of the view that abortion must not be undertaken even at this stage because the embryo has the full potential to be a human being if allowed to develop.

Ultrasound of fetus during week 17 of pregnancy



Abortion

- Therefore most scholars are of the view that it is a crime to end the life of a fetus while it is in the womb of the mother.
- Parents are seen as not having the right to decide whether to abort the life of the fetus because *God is the Giver of Life and Owner of all that exists and only God has sole authority over life.*
- There are exceptional situations where abortion is permissible.



Exception to Abortion

If there is a **serious health risk** to the pregnant woman, abortion can take place, based on:

- The principle of necessity overriding the general rule as an exception.
- The key Islamic principle that when one is faced with only two bad choices, one takes the lesser of the two evils.

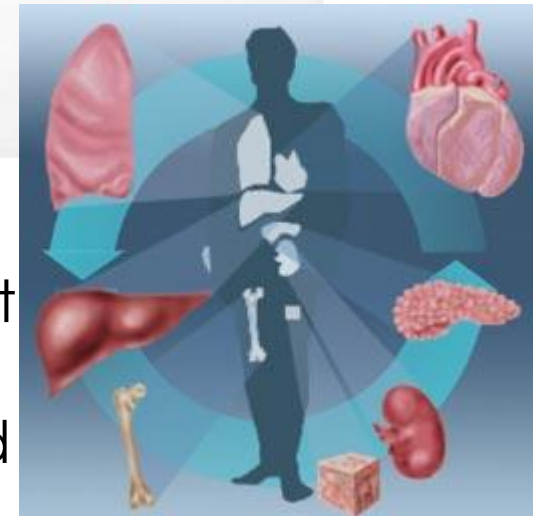
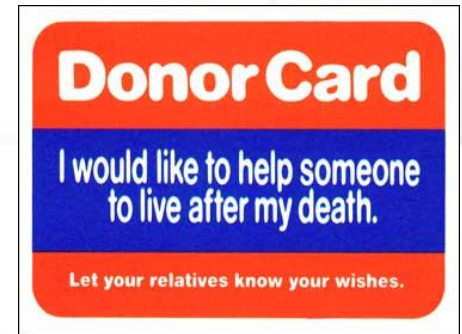
Exception to Abortion

- When it is a choice between whether the mother or the child should live, the decision favours the mother as her death would create a greater negative impact on the family than an unborn person who does not yet have any social ties
- In any case, *a qualified physician* objectively makes the decision rather than *the emotional parents*.

Advancements in Technology and Bioethics

Organ Donation

- Intention is very important in Islam. Prophet Muhammad (pbuh) stated that *“actions will be judged according to intentions”*. Organ transplants are not exempt from this approach to intentions.
- Doing a necessary post-mortem examination or donating organ does not mean mutilation of the corpse or an act of disrespect.
- In short, the principle of ‘saving human life’ takes precedence over the harm that might befall the corpse provided the corpse is not desecrated but rather handled and treated with respect.



Organ Donation

- Donation of organs is not an act of transgression against the body. On the contrary, it is an act of charity and benevolence to other fellow humans, which God loves and encourages.

(Dr M.A. Albar, Fountain Magazine)



Organ Donation from a Living Donor

- In the case of a living donor, the principle of 'doing no harm' is invoked. The donor cannot give a vital organ, risking his own life. That would be an act of suicide.

(Dr M.A. Albar, Fountain Magazine)



Organ Donation from a Living Donor

- Donation of an organ whose loss would usually cause little harm or minimal increased risk to the health or life of the donor is acceptable. It invokes the principle of 'accepting the lesser one when faced with two evils'. The harm done by the disease, which can kill a human life, is not to be compared to the harm incurred by donation.

Genetic Engineering

- Not all genetic engineering applications are prohibited and not all are allowed. Those directed towards the benefit of the human race are allowed, but those used to fundamentally alter human nature and God's work are prohibited.



Cloning

“For every ailment (except old age) there is a remedy.”
(Hadith)

- Human cloning is prohibited. “a single-cell production will not be considered a proper production and it will not be allowed for a woman to carry the embryo produced from a single cell of even her husband or herself.” (Siddiqi, 1997, p. 2)
- “As long as the crucial factor of familial heredity is guaranteed, both Sunni and Shi’i scholars will, by and large, permit the therapeutic uses of cloning.” (Kyriakides-Yeldham)



Stem Cell Research

- It is claimed by the experts in the field that the research on stem cells has great potential to relieve human disease and suffering. If this is the case, according to Islam, it is not only allowed but such research is encouraged.
- Most scholars are of the view that the use of embryonic stem cells should be very heavily limited. Only allow isolation of stem cells from frozen embryos that were created for the purpose of in vitro fertilisation and would otherwise have been destroyed.
- Obtain full consent from the donors.
- Provide safeguards against monetary compensation to embryo donors and against the creation of embryos in excess of what is required for in vitro fertilisation.

Procreation

Muslims are reminded that ultimately, God determines who will be able to have children and who won't. Having said that, couples are encouraged to seek treatment.

لِلَّهِ مُلْكُ السَّمَاوَاتِ وَالْأَرْضِ ۖ يَخْلُقُ مَا يَشَاءُ ۗ يَهَبُ لِمَن يَشَاءُ إِنَاثًا وَيَهَبُ لِمَن يَشَاءُ الذُّكُورَ (٤٩) أَوْ يُزَوِّجُهُمْ ذُكْرَانًا وَإِنَاثًا ۗ وَيَجْعَلُ مَن يَشَاءُ عَقِيمًا ۗ إِنَّهُ عَلِيمٌ قَدِيرٌ (٥٠)

“To Allah belongs the Kingdom of the heavens and the earth. He creates what He wills. He bestows female (offspring) upon whom He wills, and He bestows male (offspring) upon whom He wills. Or He bestows both males and females, and He renders barren whom He wills. Verily, He is All-Knower and is Able to do all things.”

(Qur'an, Ash-Shura, 42:49-50) (Tr. M.M. Khan)

Conception

هُنَالِكَ دَعَا زَكَرِيَّا رَبَّهُ قَالَ رَبِّ هَبْ لِي مِنْ لَدُنْكَ ذُرِّيَّةً طَيِّبَةً إِنَّكَ سَمِيعُ الدُّعَاءِ

“There did Zakariya pray to his Lord, saying: "O my Lord! Grant onto me from Thee a progeny that is pure: for Thou art He that heareth prayer!”

(Qur'an, Al-Imran, 3:38) (Tr. Y.Ali)

- To have a child is seen as a great blessing from God. Seeking a remedy for infertility is therefore quite legitimate for Muslims and is not considered as rebellion against the fate decreed by God. Prophets of God who were childless incessantly asked their Lord to give them children, and the Qur'an tells us time and again about the keen prayers of Abraham and Zachariah in this respect.

Procreation within Wedlock

- Islamic teaching limits procreation to within wedlock, and hence between husband and wife only. There should be no third party in the process of procreation, i.e. no donated sperm, ova or pre-embryo, and no surrogacy.

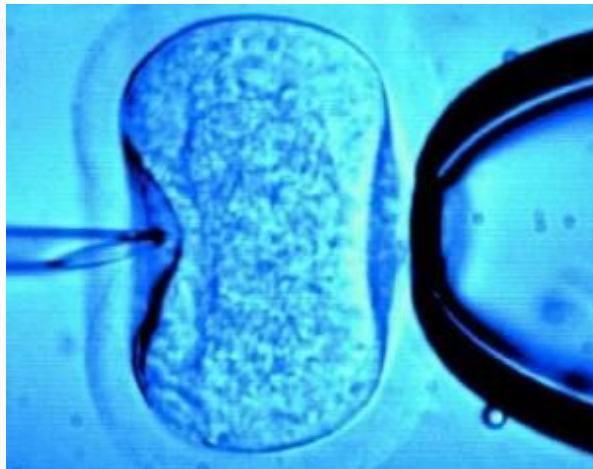
إِنَّ أُمَّهَاتُهُمْ إِلَّا اللَّائِي وَلَدْنَهُمْ

“...None can be their mothers except those who gave them birth...”

(Qur'an, Al-Mujadilah, 58:2) (Tr. Y.Ali)

IVF

- The Islamic ruling on IVF is consistent with rulings on reproduction in general. The procedure is Islamically acceptable and commendable, but only if it solely involves husband and wife and if it is performed during the span of their marriage.



Surrogacy

Surrogacy – who is the mother?

- The one who gave the ovum, that is the genetic material?

or

- The one who carried the baby through pregnancy and gave birth to it?

Qur'an: mothers are those who give birth to a child

- *"...None can be their mothers except those who gave them birth..." (Qur'an, Mujadilah, 58:2)*
- *"And we have enjoined on man (to be good) to his parents, in travail upon travail did his mother bear him and in years twain was his weaning. (hear the command): Show gratitude to me and to your parents. To Me is your final goal." (Qur'an, Luqman, 31: 14)*
- *"We have enjoined on man kindness to his parents (because) in pain did his mother bear him and in pain did she give him birth..." (Qur'an, Ahqaf, 46: 15)*

Challenges that come with Surrogacy

- According to these verses, the one who bears the child and gives birth is the mother.
- In case of surrogacy, the surrogate mother is the mother with a lesser share of motherhood by the woman whose DNA is used.
- Therefore, surrogacy creates uncertainty about who the child's mother actually is. Both the one who provides the genetic material and the one who bears the child would have rights over the child as mothers.

Challenges that come with Surrogacy

- With this uncertainty comes other issues and two of the five fundamental rights are violated:
 - **Lineage** – the child has a right to have and know a single mother and father. The family structure will also be altered with surrogacy. Since a woman outside of marriage is involved the child born will be considered illegitimate.
 - **Property** – Both mothers would have rights to inheritance which would violate the inheritance rights of everyone in the family.
- The ethics of surrogacy for money is also a problem.

Islamic Fatwa on Surrogacy

- In a symposium on "Reproduction in the Light of Islam" (Islamic Organization of Medical Sciences, Kuwait, 24-27 May, 1983), attended by medical and Muslim jurists, the technology of IVF and embryo replacement (into genetic mother) or transfer (into surrogate mother) was discussed in detail.
- The consensus of the symposium was the acceptability of the technique **within a family structure of husband and wife**, during the span of their marriage, and without the intrusion of another party, be it sperm, ovum, embryo or uterus.

Case Study

Fatwa (Islamic Ruling) on Organ Transplant

Organ Transplant - Fatwa 1

1. Check Qur'an

“Whosoever kills any person without another soul being involved or for causing corruption in the earth, it shall be as if he had killed all mankind and whosoever saves the life of one it shall be as if he had saved the life of all mankind.”

(Qur'an, *Al-Maidah*, 5:32)

2. Check the Sunnah

“Whoever helps a brother in difficulty, God will help him through his difficulties on the Day of Judgement.”

Organ Transplant - Fatwa 1

3. Draw on principles of Islamic Jurisprudence

“Confronted with two evils a person is permitted to choose the lesser of the two.”

“Islam made it an obligation upon the sick to seek treatment.”

“Human life is sacred. The saving of one life is regarded to be the same as saving the life of all of humanity.”

Organ Transplant - Fatwa 1

Islamic Ruling (Fatwa)

“It is permissible for a living person to donate part of the body such as the kidneys to save the life of another, provided that the organ donated would not endanger the donor’s life and that it might help the recipient.”

Organ Transplant - Fatwa 2

1. Check the Quran

“We have honoured the children of Adam.”

(Qur'an, *Al-Isra*, 17:70)

2. Check the Hadith

"Breaking the bones of the dead is like breaking the bones of the living." (Related by Ahmad, Abu Dawud & Ibn Majah)

“Harming a believer after his death is similar to harming him in his life.”

Organ Transplant - Fatwa 2

3. Draw on principles of Islamic Jurisprudence

- Harm can not be removed by a similar harm (meaning, in order to remove harm from another individual, it is impermissible for one to harm himself).
- Therefore, it will be impermissible for a living person to donate part of his body due to it being harmful for him.
- The principle of Islamic jurisprudence states: When the evidences of prohibition conflict with the evidences of permissibility, preference is given to prohibition.

Organ Transplant - Fatwa 2

Islamic Ruling (Fatwa)

In view of the above and other evidences, according to this group of scholars, it is unlawful to transplant organs, whether it be of a living person or a dead body, and whether there is a need or otherwise. In other words, there is no permissibility whatsoever for the transplantation or donation of organs.

Case Study – IVF

Is having children through IVF permissible?

IVF - Fatwa

1. Check the Qur'an

“Did We not create you from a despised water (semen)? Then We placed it in a place of safety (womb). For a known period (determined by gestation)? So We did measure; and We are the Best to measure (the things).”

(Qur'an, *Al Mursalat*, 77:20-23)

Therefore, origin preservation is a most essential objective of Islamic law.

2. Check the Hadith

“There is no disease Allah has created, except that he has also created its treatment.” (Hadith)

Infertility is considered a disease.

IVF - Fatwa

3. Draw on principles of Islamic Jurisprudence

“Protection against difficulty and constriction.”

“The necessity to refrain from causing harm to oneself and others.”

“The priority of averting corruption over attaining benefit.”

IVF - Fatwa

Islamic Ruling (Fatwa)

IVF is permissible

End